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Nevada Bar No. 5880
2 **ANDREW GUZIK, ESQ.**
Nevada Bar No. 12758
3 **HOMERO GONZALEZ, ESQ.**
Nevada Bar No. 15231
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10 *Attorneys for Defendant,*
99 CENTS ONLY STORES LLC

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 MICHELLE D. CRENSHAW, an individual.

14 Plaintiff,

15 vs.

16
17 99 CENTS ONLY STORES, LLC.; DOES I
18 through XXX, inclusive and ROE BUSINESS
19 ENTITIES I through XXX, inclusive,

20 Defendants.

CASE NO.:

21 **DEFENDANT, 99 CENTS STORE ONLY, LLC’ S NOTICE OF REMOVAL OF**
22 **ACTION TO UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a)**

23 Defendant, 99 CENTS ONLY STORES LLC, by its undersigned attorneys, LEW
24 BRANDON, JR., ESQ., ANDREW GUZIK, ESQ., and HOMERO GONZALEZ, ESQ., of
25 BRANDON | SMERBER LAW FIRM, hereby removes the above-captioned case to the United
26 States District Court, Clark County, Nevada, where the action is now pending, pursuant to 28
27 USC § 1441(a) and states as follows:
28

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1 1. The above-entitled action was commenced in the Eighth Judicial District Court,
2 Clark County, State of Nevada on June 15, 2022, bearing Case No. A-22-854101-C. The action
3 is now pending in the Eighth Judicial District Court, Clark County, State of Nevada.

4 2. Plaintiff filed her initial complaint on or about June 15, 2022. Plaintiff's
5 Complaint fails to state that this case is one which is or has become removable. *See Harris v.*
6 *Bankers Life & Cas. Co.*, 425 F.3d 689 (9th Cir. 2005). Defendant, 99 Cents Only Stores, LLC.
7 filed an Answer to the initial complaint on July 11, 2022.

8 3. Plaintiff filed her Request for Exemption from Arbitration on August 5, 2022,
9 citing a probable jury award in excess of Nevada's Arbitration cap.
10

11 4. Plaintiff is claiming past medical special damages in the amount of \$54,610.60
12 (not including updated medical billing, according to Plaintiff's Request for Exemption from
13 Arbitration), along with general damages and loss in excess of \$15,000.00, economic damages,
14 prejudgment interest, reasonable attorney's fees, and reasonable costs.
15

16 5. This Notice of Removal was filed timely as it was filed within thirty (30) days of
17 service of Plaintiff's Request for Exemption from Arbitration, filed on August 5, 2022, which
18 was the first motion, order or other paper from which it could first be ascertained that this case is
19 one which is or has become removable. *See* 28 U.S.C. 1446(b); *Harris*, 425 F.3d 689.
20

21 6. Pursuant to Fed. R. Civ. P. 6 (a), the last day of the thirty (30) day period set forth
22 under 28 U.S.C. 1446(b) is September 6, 2022 (September 4 is a Sunday and September 5 is the
23 Labor Day Federal Holiday). *See* 28 U.S.C. 1446(b), *Harris*, 425 F.3d 689.
24

25 7. This action concerns Plaintiff's Complaint, in which she alleged two causes of
26 action: (1) Negligence; and (2) Negligent Hiring, Training, Supervision, and Retention.
27
28

8. At the commencement of this action and at the time of the filing of this Notice of Removal, Plaintiff, MICHELLE D. CRENSHAW was, and now is, a citizen of the County of Clark, State of Nevada.

9. At the commencement of this action and at all times herein, Defendant, 99 CENTS ONLY STORES, LLC, was, and now is, a limited liability company duly organized and existing under the laws of the County of Los Angeles, State of California with its principal place of business in California, and therefore, is a citizen of the State of California.

10. A limited liability company is a citizen of every state in which its members are citizens. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Where removal from state to federal court is at issue, the party seeking removal “bears the burden of establishing federal jurisdiction” *Naffe v. Frey*, 789 F.3d 1030, 1040 (9th Cir. 2015).

11. Here, 99 CENTS ONLY STORES, LLC’s sole member is NUMBER HOLDINGS, INC., a Delaware Corporation. NUMBER HOLDINGS, INC. is organized under the laws of the State of Delaware with its principal place of business in Los Angeles County, California. In short, Defendant 99 CENTS ONLY STORES, LLC is an entity that has its principal place of business in Los Angeles County, California, and NUMBER HOLDINGS, INC., is organized under the laws of the State of Delaware with its principal place of business in Los Angeles County, California. *Id.* Thus, for purposes of diversity analysis, 99 CENTS ONLY STORES, LLC and NUMBER HOLDINGS, INC., are citizens of California and Delaware.

12. Upon information and belief, Plaintiff, MICHELLE D. CRENSHAW claims past medical special damages in the amount of \$54,610.60 (not including updated medical billing, according to Plaintiff’s Request for Exemption from Arbitration), along with general damages and loss in excess of \$15,000.00, economic damages, prejudgment interest, reasonable attorney’s

fees, and reasonable costs. Further, Plaintiff is claiming pain and suffering. As a result, the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).

13. The United States District Court for the District of Nevada has original jurisdiction pursuant to 28 U.S.C. § 1332 in that the parties are citizens of different States and the amount in controversy exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interests and costs.

14. Accordingly, Plaintiff's Complaint is removed pursuant to 28 U.S.C. 1441, which provides that a defendant may remove a case over which the federal court has original jurisdiction.

15. A copy of all process and pleadings served and filed in this matter are attached hereto as **Exhibit A**.

WHEREFORE, Defendant, 99 CENTS STORE ONLY, LLC, a California limited liability company respectfully requests that this action proceed in the United States District Court for the District of Nevada as an action properly removed to it under the diversity of citizenship statute.

DATED this 9th day of August 2022.

BRANDON | SMERBER LAW FIRM

/s/ Lew Brandon, Jr., Esq.

LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880

ANDREW GUZIK, ESQ.

Nevada Bar No.: 12758

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99 CENTS ONLY STORES LLC

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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that on August 9, 2022, I served the foregoing
DEFENDANT, 99 CENTS STORE ONLY, LLC' S NOTICE OF REMOVAL OF ACTION
TO UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a) via the Court's
electronic filing and service systems to all parties on the current service list.

RAMZY PAUL LADAH, ESQ.

Nevada Bar No. 11405

ADRIAN KARIMI, ESQ.

Nevada Bar No. 13514

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Attorneys for Plaintiff

MICHELLE D. CRENSHAW

/s/ Maybelline Valle

An Employee of BRANDON | SMERBER LAW FIRM